

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MAJOR LEAGUE BASEBALL  
PROPERTIES, INC. and CHICAGO CUBS  
BASEBALL CLUB, LLC,

Plaintiffs,

v.

TOUSSIAINT STEVENS; STEVE RUSSELL;  
RICHARD JEKEL; HOWARD KADET;  
PETE GADBERRY; HARRY GIBSON,  
individually and d/b/a Offcenter Marketing;  
JASON ALSPAUGH, individually and d/b/a  
Chi Apparel; LARRY BOISSEAU; BYRON  
YABLON; JOHN YABLON; JOSE  
VILLAREAL; RAMON RIOS; RICHARD  
WELLS; DEESCO PERRIMAN, JR.; and  
DOES 1-30,

Defendants.

Civil Action No. 1:16-cv-09140

**MOTION FOR ENTRY OF DEFAULT AGAINST CERTAIN DEFENDANTS**

To the Clerk of Court:

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiffs move for entry of default judgment against Defendants Steve Russell, Pete Gadberry, Larry Boisseau, Byron Yablon, John Yablon, Jose Villareal, Ramon Rios, Richard Wells, and DeEsco Perriman, Jr. (the “Default Defendants”) for failure to answer or otherwise plead to the Complaint. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs commenced this action on September 22, 2016 by filing a Complaint against Defendants, through which Plaintiffs seek affirmative relief. *See* ECF 1.

2. On September 22, 2016, Judge Gettleman issued an *Ex Parte* Temporary Restraining Order and Seizure and Impoundment Order, which shortened the time for Default

Defendants to file an Answer and which stated, *inter alia*, that “**Defendants’ answering papers, if any, shall be filed with the Clerk of this Court . . . before 4:00 p.m. on October 3, 2016.**” ECF 22 (the “Order”) at p. 11 (emphasis added).

3. Each of the Default Defendants was personally served with a copy of the Summons and Complaint, along with a copy of the Order.<sup>1</sup>

4. Plaintiffs filed Affidavits of Service for each of the Default Defendants. *See* ECF 24, 25, 28, 29, 30, 31, 32, 33, & 38.

3. Pursuant to the Order, each of the Default Defendants was required to serve an answer or otherwise plead to the Complaint on or before 4:00 p.m. on October 3, 2016.

4. To date, none of the Default Defendants has served an answer or any other responsive pleading to the Complaint, nor has any counsel of record made an appearance on their behalf or otherwise contacted counsel for Plaintiffs.<sup>2</sup>

5. Federal Rule of Civil Procedure 55(a) directs the clerk to enter default “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend....”

WHEREFORE, Plaintiffs respectfully request that default be entered against Defendants Steve Russell, Pete Gadberry, Larry Boisseau, Byron Yablon, John Yablon, Jose Villareal, Ramon Rios, Richard Wells, and DeEsco Perriman, Jr.

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<sup>1</sup> The only Defendant that Plaintiffs have not been able to serve is Richard Jekel.

<sup>2</sup> Although none of the named Defendants filed an answer on October 3, 2016, four of the named Defendants – Toussiant Stevens, Howard Kader, Harry Gibson, and Jason Alspaugh – have been in communication with Plaintiffs in an effort amicably to resolve this dispute. Therefore, Plaintiffs do not seek entry of default against these four Defendants at this time.

DATED: October 4, 2016

**RILEY SAFER HOLMES & CANCELIA LLP**

By: /s/ Matthew C. Crowl

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